

THE NOTARY IN MALTESE LATE MEDIEVAL SOCIETY

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Already in Norman times, the notary occupied a highly privileged position in Sicilian society, as can be deduced from the fact that King Roger's Assizes of Ariano (1140) treat the notary as a person pertaining to the class of knights and of judges, a norm that was retained in force in Emperor Frederick II's *Constitutiones* of Melfi (1231).¹ Thus, from its origins, the class of notaries is seen located within the lower echelons of Sicilian nobility, as opined by Bresc, both in view of their standard of living and consequent to the exclusivity afforded them by their level of literacy in a society which was generally illiterate.² In the Maltese Islands, which were an integral part of the Sicilian Kingdom and subject to the kingdom's legislation, this norm appears to have been still valid in the XIVth century, judging by the case of Not. Lanceas Gatt whose father, Chicco, was a knight and Castellan of the *Castrum Maris*, and whose son Francesco was a knight.³ The esteem with which the notary was held in later medieval times is encapsulated in

- 1 J.-L.-A. Huillard-Bréholles (ed.), *Friderici Secundi Constitutiones ...* (Paris: Plon, 1854) 163, Const. III/LIX: *De nova militia* [Rex Rogerius].
- 2 H. Bresc, "Il notariato nella società siciliana medioevale" in *idem, Politique et société en Sicile, XIe-XVe siècles* (Aldershot: Variorum, 1990) Ch.X, 195-198.
- 3 *DSMH* II/1: 50, 204.

the honorific title of *Egregius* accorded him,⁴ even if, by the XVth century, a differentiation between the class of notaries and that of knights (*militēs*), becomes discernible in the fact that the latter bear the title of *Magnificus*,⁵ which they share with the nobility and with higher officials, such as captains, jurats and ambassadors, but not with notaries.

Education

In view of the notaries' esteemed position in society by virtue of their education, it is worth commenting on the state of education and culture in the Maltese islands in order to create a backdrop against which to view the notarial profession in sharper focus. By the late middle ages, judging by written records of the period,⁶ the sole official language was, by and large,⁷ an admixture of Latin and Sicilian. The Tuscan (Italian) language only began to gain a foothold after the Great Siege of 1565 when the ruling Order of St John established itself firmly and irrevocably, bringing with it its already established administration language.⁸ Official languages apart, however, the language of the common people – the *lingua materna* – remained Maltese, a variety

4 DSMH I/3, p. xxxiv.

5 For instance: *Magnificus Dominus Per Johannes de Maczara miles* (DSMH I/1: 114); *Magnificus Ferdinandus Stunica miles* (DSMH I/2: 138, 260); *Magnificus Dominus Nicolaus Impax miles* (*ibid.* 165-6, 168); *Magnificus Dominus Antonius Desguanes miles* (DSMH V/1:38). Interestingly, the title *Manifku* came to be used again specifically for notaries in early modern times [J. Aquilina, *Maltese English Dictionary*, 2 vols. (Malta: Midsea, 1987-1990)].

6 Particularly those embodied in the DSMH series, S. Fiorini *et al.* (eds.), (Malta: University Press, 1996-2013), subdivided into various sub-series (Parts I-V).

7 Occasional documents in Catalan or Castilian do surface, such as for instance, DSMH II/2: 548; III/1: 133.

8 J. M. Brincat, *Il-Malti: Elf sena ta' storja* (Malta: PIN, 2006) 103 *et seq.*

developed from the Arabic spoken by the X-XIth-century Arab settlers. The *Cantilena* of Not. Pietro Caxaro⁹ is a splendid sporadic exemplar of the Maltese language spoken in the 1480s which is neither Arabic nor latter-day Maltese, but representative of the intervening state of the language.

That the majority of the people could not speak any language other than Maltese can be ascertained in a variety of ways. In 1364 the Benedictines of Catania refused to set up a monastery in Malta on the pretext that they could not speak the local language.¹⁰ In 1432, soon after the terrible invasion by Muslim hordes in September 1429, the Austin friars of Rabat succeeded to obtain papal leave to convert funds intended for pious legacies for the reconstruction of their priory as there was no other religious order in Malta at the time and they were in great demand by the

populus insule memorate utpote ab aliis locis Christifidelium remotus et qui linguam loquitur Arabicam Sarracenisque proximus. (DSMH IV/2, Doc. 168).

Some fifty years later, a whole rumpus was kicked up in the Municipal Council of Mdina because a *cappellanus* who could not speak the language of the people had been appointed by the bishop.¹¹ Not much later, other protests were lodged by the Maltese Ambassador Torres with Sicilian authorities for sending over Commissioners who could not perform their duties correctly *per non intendiri la lingua*.¹² The situation in Gozo in that year was not any different.

9 G. Wettinger & M. Fsadni, *L-Ghanja ta' Pietru Caxaru: Poeżija bil-Malti Medjevali* (Malta: Printwell, 1983).

10 A. Luttrell, "The Benedictines and Malta: 1363-1371" in *idem*, *The Making of Christian Malta* (Ashgate: Variorum, 2002) Chapter XV, 151-6.

11 G. Wettinger, *Acta Juratorum et Consilii Civitatis et Insulae Maltae* (Palermo: Centro di Studi Filologici e Linguistici Siciliani, 1993), Doc. 816 (28.i.1481); hereafter referred to as *Acta Jur.*

12 *Capitulum* VI of the *Capitula* of Malta of 1.ii.1520: MCM, ACM Misc. 34, f.233v.

Ambassador Antonius Platamone had this to relay to the Viceroy:¹³

Placza dicta Sua Illustri S[ignuria] providiri et comandari de cetero dicti Commissarii et Sindicaturi et altri officiali frosteri non havendo noticia dilo yd[leom]a materno et barbaro dila dicta Terra et Insola [del Goczul] non poczano modo aliquo prochediri ad aliquem actum interpretativo dilo dicto yd[leom]a dilo loco ala lingua latina et vulgari senza interventu di uno interpetro doctu, ydonio et sufficienti in tali mi[ni]sterio.

Indeed, it was so very important for Gozo to have officials understand the language of the people that otherwise inflexible rules were bent in 1454 in the case of Not. Andreas Benjamin when he was allowed to act as Judge of the Capitana Court of Gozo uninterruptedly on consecutive years, in spite of the practice to the contrary, as he was the only legal person qualified on the island

*actento ki lu dictu Notaru Andria esti oriundu dila dicta insula, sa et intendi la lingua et canuxi lu pichulu et lu grandi et sa li constumi, consuetudini et usanczi dila dicta terra et insula.*¹⁴

It was common practice for a Notary Public to have to explain in the Maltese language a deed written in Latin and Sicilian, such as happened in 1487 when Not. Giacomo Zabbara needed to explain to Peri Caruana, a prominent citizen, the contents of a contract, *declarato in lingua vulgari et per eum bene intellecto*.¹⁵ This is rather surprising given that Caruana was later, in 1514, to represent Malta as Ambassador before the Viceroy of Sicily;¹⁶ he certainly made great strides in self-education in twenty-five years. Equally surprising is the contrasting statement by the same notary in 1494 that he

13 *Capitulum* IV of the *Capitula* of Gozo of 6.iv.1521: ASP RC 269-277, ff.367rv.

14 *Capitulum* V of the *Capitula* of Gozo of 1453: ASP RC 90, ff.203rv.

15 *DSMH* I/1: 170.

16 *DSMH* III/1: 99.

had read a contract to Margarita de Guevara which she said she understood well *in lingua latina*.¹⁷ More expected was the effort expended by the notary to explain to the *Magnifica Domina* Zuna de la Habica the details of her marriage contract *lecto et declarato in materna lingua*.¹⁸ Furthermore, in many instances, the nuances of a particular Maltese word could not be rendered accurately in Latin/Sicilian so that the need was felt by the scribe or notary to include also the current Maltese word in the text (much to our benefit), often introducing it by *ut vulgo dicitur*, or similar.¹⁹

The level of education in medieval times was abysmally low. Very few could read and write even their own name, as can be verified from the unashamed confessions of several witnesses in notarial and other deeds. Illiteracy was by no means confined to the working-class population but was rife also among people occupying high administrative posts. Elected Judges to the Civil Court included both *literati* and *idioti* (derived from *indocti*, that is, not versed in law) and the latter were often quite illiterate. Several instances of Judges of the Civil Court can be cited who needed someone else to sign a contract on their behalf: in 1469-70, Petrus de Firiolo and Johannes de Pignano;²⁰ in 1483, Franciscus de Villanova;²¹ in 1486, Fridericus de Bordino and Magister Angaraldus Mallia;²² in 1508-

17 DSMH I/2: 70, n. 3.

18 DSMH I/1: 234.

19 This topic, by no means exhausted, has been amply treated both by the present author [*"Ut vulgo dicitur: Pre-1600 materials for a documented etymology of Maltese"* in *Karissime Gotifride: Historical essays presented to Professor Godfrey Wettinger on his seventieth birthday*, ed. P. Xuereb (Malta: University Press, 1999) 161-176] and by Professor Wettinger himself, *Kliem Malti Qadim* (Malta: PEG, 2006). Cf. also O. Vella, *L-Ghejun tal-Istorja tal-Ilsien Malti*, unpubl. M.A. Thesis, University of Malta (2006).

20 DSMH I/3: 141-2.

21 *Ibid.* 143.

22 DSMH I/1: 40-41.

10, Blasius Camilleri and Antonius Axac.²³ By contrast, one very rarely encounters the odd Maltese who was sufficiently well educated so as to be able to earn his living abroad with his skills in literacy. Such was Berengarius Maltensis at Trapani, Sicily, in 1435 who was employed as scribe with Not. Nicolò Scarcella.²⁴ The best educated were undoubtedly the clergy, although even here one encounters the odd cleric who could not write or even the priest who could read Latin but did not understand what it meant.²⁵ Among literate laymen one finds the members of the legal profession, including notaries and advocates, members of the medical profession, including physicians, apothecaries and possibly the barber-surgeons (*cirurgici*), and the schoolmaster. To a lesser extent, merchants and administrators too needed basic familiarity with literacy and numeracy. It is worth remarking here that members of the clergy in Sicily were prohibited from practising as notaries public till the beginning of the XVth century, when this norm began to be relaxed.²⁶ In Malta, it continued to be observed for another century till the first clergyman – Don Consalvo Canchur – appears as the first priest and notary.²⁷

The schoolmaster referred to here was the master of the grammar school, or school of humanities, whose existence

23 DSMH I/3: 144-5.

24 A. Cassola, *Malta: People, toponymy, language* (Malta: Printwell, 2011) 43.

25 Clerico Liuni Charres could not write (MCM ACM M1, ff.55rv (1518). In 1575, Apostolic Visitor Dusina's interrogation of the clergy *super idoneitate* is revealing (DSMH IV/1). Typical comments include: '*non so grammatica et confesso la mia ignorantia*' (ff.280v-1); *vix legit et scribit et nihil intelligit* (f.282); *aliquantulum legit et scribit* (*ibidem*); *nihil intelligit quia grammaticam non didicit* (f.284v *et passim*).

26 M. Caravale, "La legislazione del regno di Sicilia sul notariato durante il medioevo" in *Per una storia del notariato meridionale*, ed. U. Nicolini, (Roma: Consiglio Nazionale del Notariato, 1982) 120-121.

27 Canchur received his warrant to practise on 13.ix.1497: DSMH II/4: 392.

at Mdina is documented from 1461 onwards.²⁸ It is generally correct to state that most of the masters in the pre-1530 period were foreigners of Sicilian origin who were replaced by locals as convenient. A determining factor that appears to have decided between local and foreigner was the financial aspect. When enough money was found by the Municipal Council, the preference was to employ foreigners. When the salary offered was not attractive enough, then only locals were found to come forward.²⁹ It was even not unheard of that the schoolmaster was at times expected to teach *gratis et amore*. Don Gilius di Lia, the first known Maltese schoolmaster, threatened the town council to stop teaching altogether in 1479 unless he was given 'some salary'.³⁰

A case-study

Having established this point, in order to focus on the topic in hand, it is deemed profitable to consider, in some detail, as a case study, the concrete case of the Vassallo notaries at the turn of the XVIth century in order to be in a better position to extrapolate from this reference point to the whole of the professional class. The Vassallo – or, more accurately, Vassald – family of Mdina gave XVth-century Malta three brothers, two notaries public, Graziano and Mattheo, and their younger brother, the priest Don Giacomo, who will be at the centre of our investigation. The sources of information about the family are mainly drawn from a court case in the Bishop's Court involving Don Giacomo,

28 *Acta Jur.*: 163, 167.

29 Details in S. Fiorini, "Malta in 1530" in *Hospitaller Malta: 1530-1798. Studies on Early Modern Malta and the Order of St John of Jerusalem*, ed. V. Mallia-Milanes (Malta: Mireva, 1993) 111-198, esp. 181-184.

30 *Acta Jur.*: 728.

published by Wettinger,³¹ an inventory of the belongings of Not. Mattheo,³² and the acts of Not. Graziano.³³

Family background

The surname Vassallo probably originated as a patronymic, a shortened form of Bonovassallo, already present in XIIth-century Sicily,³⁴ which, by the XIIIth century, was certainly established as a surname, for example, at Aversa.³⁵ The Vassallo family, which makes no appearance in the sparse pre-1400 Maltese documentation,³⁶ suddenly appears, in the more abundant sources, to be quite diffused at the beginning of the XVth century, judging by the detailed information that becomes available through the Militia Lists of that period.³⁷ In this earliest Maltese documentation one invariably encounters it in Malta in the form *Vassald* (*Vassaldu*, *Vassaldi*), which suggests a Lombard/Germanic origin, akin to names like Gerald, Theobald, Catald etc., which may perhaps indicate roots of the family in Malta

31 G. Wettinger, "Priests in Court: A harassed schoolmaster and his traducer" in *Melitensium Amor. Festschrift in honour of Dun Ġwann Azzopardi*, ed. T. Cortis et al. (Malta: Gutenberg, 2002) 97-110.

32 NAV Not. Giulio Cumbo R196A #22, ff.83-89v.

33 NAV Not. Graziano Vassallo R464/1-7.

34 S. Fiorini, "Sicilian connexions of some medieval Maltese surnames", in *Journal of Maltese Studies* 17-18 (1988) 104-138, esp. 124.

35 *Codice Diplomatico Svevo di Aversa*, ed. C. Salviati (Napoli: Arte Tipografica, 1980) 142-3, Doc. LXX (iii.1214): *Testamentum olim Taddei cognomine Vassalli civis Aversani*.

36 DSMH II/1. V. Laurenza, "Malta nei documenti angioini del R. Archivio di Napoli" in ASM V/1-4 (1934) 3-71. R. Moscati, "Fonti per la storia di Malta nel R. Archivio di Stato di Napoli" in ASM VII/4 (1936) 477-509.

37 MCM ACM Misc. 437 No. 4 (published by G. Wettinger, "The Militia Roster of Watch Duties of 1417" in *The Armed Forces of Malta Journal* 32 (1979) 25-42); *ibid.* No. 3 (published *idem*, "The Militia List of 1419-20" in *Melita Historica* 5 (1969) 80-106), and *ibid.* No. 6, another Militia List of 1425, published partially (Mdina militia) in M. Buhagiar and S. Fiorini, *Mdina: The Cathedral City of Malta*, 2 vols. (Malta: Gutenberg, 1996) 101, Table I.

different from that in Gozo, where it is invariably referred to as Vassallo. In Malta we find two Vassaldi men at *Casali Grigori et Samudi*,³⁸ one at *Naxaru*,³⁹ one at *Lamann et Burdi*,⁴⁰ two others at *Lia*,⁴¹ one at *Bircalcara*,⁴² two others at *Cuderi*,⁴³ one at *Rabat*,⁴⁴ and a certain Bartholomeu Vassaldu at Mdina,⁴⁵ the locality of prime interest for our purposes.

As stated, Gozo too had its Vassallos. A Cataldus de Vassallo was *actapanus ex gracia* in 1439-40,⁴⁶ but the most prominent and active Vassallo at that time was Fridericus Vassallo who was judge of the Civil Court of Gozo in 1437-38 and again in 1441-42,⁴⁷ and jurat in 1443-44.⁴⁸ He was appointed royal *massarius* for Gozo in 1444,⁴⁹ a post he occupied till 1456.⁵⁰ Meanwhile in Mdina, there appears a Simon Vassaldu being appointed judge of the Civil Court for 1455-56,⁵¹ possibly the same who, in that year, was convicted of the crime of abetting in the escape of some slaves from the Mdina ditch; he is described occasionally as nicknamed Malfi, indicating possible connexions with Amalfi.⁵²

Moving forward to our focus – the two Vassaldu notaries, Graziano and Mattheo – it is clear that they were contemporaries of each other and, in fact, also related as brothers, as one can glean from a variety of sources. Not. Graziano received his warrant to practise as Notary Public in

38 Militia List 1419-20, ff.5rv.

39 *Ibid.* f.6.

40 *Ibid.* f.8v.

41 *Ibid.* f.9.

42 *Ibid.* f.11v.

43 *Ibid.* f.30.

44 *Ibid.* f.37v.

45 *Ibid.* f.39v.

46 DSMH II/2: 434.

47 *Ibid.* 462.

48 *Ibid.* 487.

49 *Ibid.* 493.

50 *Ibid.* 512, 572.

51 *Ibid.* 565.

52 *Ibid.* 573, 576.

these islands, after being successfully examined in Sicily by *Protonotarius* Mariano Aglata on 18 August 1483,⁵³ whereas Mattheo's warrant came a year later, on 17 July 1484, after a similar examination by the same *Protonotarius*.⁵⁴ In 1492 they were both, *insolidum*, responsible for the keeping of a horse for the defence of the island.⁵⁵ Furthermore, the priest Don Jacobo Vassald, in his court litigation against the Cathedral Treasurer Don Dominicu Dimech,⁵⁶ speaks of 'his brothers and nephews who were public notaries'.⁵⁷ In the 1511 testamentary inventory of Not. Mattheo, Not. Graziano is mentioned as one of the two executors and guardians of Mattheo's minor children, the other being Nicola Laureri, a near relative of Mattheo's wife, Francia. One concludes that Don Jacobo and the two notaries were all brothers.⁵⁸ Don Jacobo declares that he was 60 years old at the time of the court case in 1527,⁵⁹ so that he would have been born c.1467. It is known that Mattheo was born c. 1463 as, on 16 September 1500, he declared under oath in court that he was then 37 years of age,⁶⁰ and likewise, we can deduce that Graziano was born c. 1465, judging by a declaration he made in 1534, wherein he stated that he was then 68 years of age.⁶¹ The calendared form of Not. Mattheo's will,⁶² yields the important information that Mattheo's late father was called Joannes,⁶³ and that his five

53 DSMH II/3: 396.

54 *Ibid.* 413.

55 NLM Lib. MS. 670, f.20.

56 MCM CEM AO 8A, ff.1-53v, published by Wettinger, "Priests in Court" 97-110. However, the undated sheets, *ibid.* 7B, ff.452-3v also pertain to this law-suit; they relate to Dimech's appeal against the sentence in the Metropolitan Court of Palermo.

57 Wettinger, "Priests in Court" 101.

58 For the brothers Matteo and Graziano, cf. NLM Lib. MS. 1365, p. 15.

59 Wettinger, "Priests in Court" 100.

60 G. Wettinger, *The Jews of Malta in the Late Middle Ages* (Malta: Midsea, 1985) 101, n. 70.

61 NLM Lib. MS. 1365, p. 15.

62 NLM Lib. MS. 695, f.260v #1316.

63 This fact is corroborated in V. Borg, *Melita Sacra: The Maltese Diocese till*

sons, still minors in age, were Francesco, Giovanni, Giuliano, Petruzzo and Petro; there was also a daughter – Catherinella – of marriageable age mentioned in the inventory cited. Clearly, Mattheo called his second son Joannes after his own father. Not. Graziano too had a son called Joannes, who in 1541 was living in Tarxien.⁶⁴ It is very likely that Joannes, the father of the two notaries and the priest, was the *Joannes filius Graziani Vassaldi [senioris]*, appearing in the Town Council in 1472,⁶⁵ so that Grazianus senior, documented already in 1450⁶⁶ was the grandfather of Don Jacobo, Not. Mattheo and Not. Graziano junior, who would have been given the rather unusual name of his grandfather,⁶⁷ to be called after him. In 1457, Graziano senior was entrusted with the important task of carrying 83 *uncie* to the *Secretus* of the realm on behalf of the Maltese *Universitas*. He also had another son, Nardu (brother of Joannes), who is mentioned in 1467 leasing land called *Ta' Hlewwa* in the district of *Il-Wileg*, and *Tal-Barru* at *Bir Kbir* in the limits of *Sigġiewi*.⁶⁸

Quite detailed information about the notaries' father, Joannes, emerges from the witnesses' statements in the court case of Don Jacobo. Joannes is described by Vassaldo's adversaries as "a wretched tailor who sewed cotton and woollen cloth for slaves and Jews. He was nicknamed *Xibeyriteyn*, sewing first in Mdina and then in Mosta where he married

1500 AD, vol. I (Malta: PEG, 2008) 147, citing MCM ACM Giuliana III, 140. Cf. also NLM Lib. MS. 1365, p. 15: *Not. Graziano Vassallo quondam Joannis*.

64 NAV Not. Nicola de Agatiis R202/5, f.180v.

65 Acta Jur.: 466.

66 *Ibid.* 16.

67 The name Graziano is rather rare in XVth-century Malta. Thus, for instance, it does not appear at all in the Militia List of 1419-20. Interestingly, and perhaps not more than a coincidence, the *Geniza* of Cairo mentions two Jewish notaries in Palermo named *Gracianus*: Bresc 205.

68 DSMH I/3: 7, 139.

and lived for some time".⁶⁹ It appears that his wife was Imperia Falzon, the widow of Frankinus Zammit,⁷⁰ by whom she had had at least four children: Clara, Don Amaturi, Joannes, and Catherina (married first to Masio Sillato and later to Alban Dursu); these were all half-brothers and -sisters of the two notaries and Don Jacobo, with whom they appear jointly in various contracts.⁷¹

It is clear that the tailor Joannes Vassaldu in mid-XVth-century Mdina did not occupy any prominent position in the social hierarchy. He certainly did not belong to the self-styled nobility and major landowners, invariably Spaniards and Sicilians, including the Desguanes, De Guevara, De Busco, De Nava, De Mazara, Vaccaro and De la Habica who dominated the royal appointments to the Captaincy, Castellany and the *Secrezia* of Malta. Nor can one say that he could be counted among members of the lesser class of politically successful citizens and smaller landowners, such as the De Alaymo, Biglera, Laureri, Bordino, Falca, Falzon, Caxaro, De la Licata and others who monopolized the Juratships of the island. Nor even can we find the Vassaldi among the better educated

69 Wettinger, "Priests in Court" 102.

70 Frankinus Zammit was, very probably, much older than Imperia Falzon when they married; he is already recorded as a prominent citizen witnessing the *capitula* of 1427 (MCM ACM Misc. 34, f.49v). He is mentioned in the Militia List of 1425 (f.35v) but not in that of 1419-20; he had died by 1467 (DSMH I/3:71). His will was drawn up by Not. Lucas Sillato on 19.xii.1460, in which he constituted as his universal heirs his children from his second marriage to Imperia Falzon, and as his particular heirs, his daughters by his first wife, Cortisia, namely Ventura Falca and Francia de Vaccaro (NLM Lib. MS. 693, f.117 #540). For Imperia Falzon, mother of Don Amaturi Zammit, *vide* Borg 152.

71 DSMH I/1: 41, 177, 315. A note in NLM AD 58, p. 677 relates to the will of Canon Don Amator Zammit, son of the late Franquinus, in the acts of Not. A. Rapa, dated 29.iv.1518, and written *di suo proprio pugno*, in which, particular heirs are *Giuliano Vassallo figlio di Not. Graziano, fratello uterino, ed i figli minori di Matteo Vassallo, altro fratello uterino*.

class of *curiali* – notaries and advocates –⁷² who, likewise, monopolized the Judgeships, both Criminal and Civil, and the notarial posts of the Municipal Council – the Caxaro, Falzon, De Manuele, De Alaymo, Calavà, Sillato, Santoro and others – except for the sole isolated case in Malta of Simuni Vassald *dictu Malf* (possibly Joannes' brother) who attended Council assiduously between 1455 and 1468, and was elected a *Judex Ideota* a number of times.⁷³ One effective way of keeping the *status quo* of these élite clusters was by closing the phalanx through intermarriage, with unions across boundaries occurring only rarely, and less frequently the higher up in the social ladder. Joannes may have intentionally tried to penetrate the phalanx in this way precisely by managing to marry into the Falzon family. Collective action and the closing of ranks within a profession was not unknown. The case may be cited precisely within the notarial profession when, in the 1430s, four notaries – Corrao de Alaymo, Angelo de Manuele, Friderico Calavà and Antoni Falzon – clubbed together to monopolize the Judgeship of the Captaincy of Malta.⁷⁴

It is worth considering some of the more prominent surname clusterings of notarial Maltese families, which,

72 It is worth remembering that, stemming from King Roger the Norman's *Assise*, notaries were assigned the same social rank as that of knights and judges (Caravale 1982, 97-176, esp. p. 97-8). To go into detail, exploring family connexions in Malta, to establish this point is beyond the scope of this work. One can, however, consider the parallel situation in Sicily as discussed in Bresc, esp. pp. 198 *et seq.*

73 Cf. Simon *Malf* in 1443-44 (*DSMH* II/2: 486). The name of Simon Vassaldu was deleted from the *scrutineum* of 1454-55 and replaced (*ibid.* 558), but reappeared in the following year (*ibid.* 565). He is last heard of in 1462-63 (*ibid.* II/3: 24; *Acta Jur.*: 216-8, 247). That Simuni was only a *Judex Ideota* and not a *Literatus Curie Civilis* transpires from the fact that this latter more significant position was occupied by others in those years: Not. Petro Caxaru in 1443-44 and Not. Luca Sillato in 1455-56 and in 1462-63.

74 Details in *DSMH* I/3, xxix-xxxi.

incidentally, in the years before 1530, were practically exclusively resident in Mdina, with the one noted exception of Not. Lorenzo Agius (*fl.* 1524-1528) who hailed from Birgu;⁷⁵ Not. Ingomes de Brancato (*fl.* 1473-1511) was originally from Rabat but later moved to Mdina,⁷⁶ as also seems to have been the case with Not. Lorenzo Baglio (*fl.* 1517-1537) who was also from Birgu.⁷⁷ We note first the Sabbara / Sansone / De Brancato / Cumbo clan. Not. Giacomo Zabbara,⁷⁸ who originally hailed from Gozo but who eventually settled in Mdina,⁷⁹ signed himself *Jacobus Sabbara de Sansone*, so that he was related on his mother's side to the Sansone family of Gozitan notaries. Among these one finds Not. Guillelmo

75 A. Attard, *Index of Notaries: 1465-1894* (typewritten script of Chief Notary to Government [1946-49]). The size of pre-1530 villages was too small to support a resident notary. Thus, Rabat's population in 1475 came to c. 1300 (S. Fiorini, "Li buky di lu Rabatu" in *Melitensium Amor*, ed. T. Cortis *et al.* (Malta: Gutenberg, 2002) 73-96, esp. 77); village populations were smaller. In the documentation the Mdina place of residence of a notary is often indicated as *civis Civitatis Melite*: thus, for example, Not. Bartholomeo Sillato (*DSMH* I/1: 24), Not. Paulo Bonello and Antonio Rapa (*ibid.* 333), Not. Matheo Vassald (*ibid.* 303) etc. The Militia List of 1419 shows Not. Nicolu del Isula and Curau [De Alaymo] (f.40v) living in Mdina and so does the Angara List of 1485 for Not. Paulo Bonello (f.23v), Not. Bartholomeo Sillato (f.25), and Not. Matheo and Graziano Vassald (ff.10v, 26).

76 Between 1475 and 1485 Not. de Brancato is recorded in Rabat (Fiorini, "Li buky di lu Rabatu" 74 and by 1511 in Mdina *DSMH* I/3: 146).

77 MCM ACM Misc. 439, 9, f.5 (10.x.1517). NLM Univ. 12, f.234v (1.ii.1520). In 1525-26 he appears as Jurat at Mdina (*DSMH* III/1: 119) and again in 1529-30 (MCM ACM Misc. 36, ff.565-592), in 1532-33 and in 1536-37 (S. Fiorini, *The 'Mandati' Documents at the Archives of the Mdina Cathedral, Malta: 1473-1539* (Malta: Printjob, 1992) [hereafter referred to as *Mandati*] M2, ff.22-35; M3, ff.416-428). His acts have not survived. Jurats were expected to live in Mdina (NLM Univ. 12, f.231v).

78 It has now been possible to narrow down the time of his death to 2-21 June 1501. *DSMH* V/1: 95, dated 21.vi.1501 (ind. IV) refers to the will of Not. Zabbara as follows: *Egregius Notarius Jacobus Czabara dum erat in humanis et in fine dierum suorum constitutus suum ultimum condidit testamentum manu sua proria, videlicet, dicti condam Egregii Jacobi Czabara die II Junii IIII^e indicionis instantis.*

79 *DSMH* I/3, xl-xlii.

Sansone (*fl.* 1475-1519),⁸⁰ and Not. Gio. Antonio Sansone (*fl.* 1533-1540).⁸¹ In 1545, the conservator of the acts of Not. Giacomo Zabbara and of Guillelmo Sansone was Not. Florius Sansone, possibly Guillelmus' son.⁸² Related to the Sansone notaries there was also Not. Ingomes de Brancato, who was Not. Zabbara's first conservator;⁸³ his first wife was Paulina Sansone, the mother of his son Ingomes, junior.⁸⁴ Not. Ingomes' son Marco was, like his father a notary.⁸⁵ Not. Julius Cumbo, father of Not. Girolamo Cumbo,⁸⁶ is described as a grandson – *nepos ex filia* – of Not. Ingomes when he was entrusted with the keeping of Ingomes' notarial acts.⁸⁷ Furthermore, Not. Ingomes was well connected to the formidable Falzon family of priests, notaries and other *curiali*: His son Petrus was married to Agatha Xara, daughter of Nicola Xara and Francia de Falsono.⁸⁸

The Sillato dynasty of notaries, was already prominent in the XIVth century when mention is made of Not. Lucas senior (*fl.* 1372). He was followed by Not. Albano Sillato (*fl.* 1398), Not. Lucas junior (*fl.* 1431-1484), down to Lucas's son Bartholomeo (1485-1531) and other Sillato notaries, like Guillelmo (*c.* 1486), Giacomo (1581-1598) and Antonio (1578-1616) more than two centuries down the line. Not. Bartholomeo Sillato was the maternal grandfather of Not. Brandan Caxaro, the relative of the famous Not. Petro Caxaro, and Antonio Caxaro, the uncle of Not. Petro

80 DSMH II/3: 247 (1475). *Ibid.* V/1: 67 (1519).

81 DSMH V/1: 80-87.

82 *Ibid.* 1.

83 DSMH I/1: 73, footnote.

84 NLM Lib. MS. 695, f.228 #1187.

85 *Ibid.* f.261 #1319. DSMH I/3: 156.

86 NLM Lib. MS. 1365, p. 18: Not. Giulio Cumbo quondam Laurentii, padre di Not. Girolamo.

87 DSMH I/3: 146 (20.iii.1511) Codicil to Not. Ingomes' last will.

88 *Ibid.* 188 (23.iv.1500).

Caxaro, was the father-in-law of Not. Luca Sillato.⁸⁹ Other connexions through marriage existed between the Sillatos and the De Manuele notaries,⁹⁰ including Not. Angelus de Manuele, whose son Matheus, *de Civitate Meliveti*, was also a lawyer and a judge.⁹¹ When the Vassaldi notaries emerged on the late XVth-century scene, they too joined the bandwagon with Not. Joannes Sillato, of the late Thomas, appearing as the son of Not. Graziano Vassallo's sister.⁹² Not. Graziano's brother, Not. Matheo Vassald, too had Sillato connexions as his first wife was the daughter of Joannes Sillato.⁹³ Another notarial clan was the Bonello / Bezzina / Rapa fraternity. Not. Paulo Bonello's daughter, Isabella, was married to Not. Laurentio Bezzina,⁹⁴ whereas his daughter Margarita was married to Not. Antonio Rapa,⁹⁵ who, in 1524, was conservator of the acts of his father-in-law.⁹⁶

But, perhaps, pride of place belongs to the Falzon family which had a strong legal tradition in the XVth century and produced a number of notaries. There were two Falzon notaries named Antonio, well differentiated between themselves, as Antonio senior (*fl.* 1433-1470) is known to have died in 1470,⁹⁷ whereas Antonio junior was active for a short while after 1485;⁹⁸ he received his warrant on 8 March 1485 and was made judge of the Captain's Court in 1487-88.⁹⁹

89 Wettinger & Fsadni 61-63.

90 *DSMH* I/1: 77, 163.

91 NLM Lib. MS. 695, f.258 #1301. *DSMH* II/3: 44, 59, 184.

92 According to a declaration of Not. Graziano in 1534, Not. Joannes had died 23 years before (NLM Lib. MS. 1365, p. 17).

93 *DSMH* I/1: 296.

94 MCM ACM Misc. 368, f.207. Not. Bezzina died in 1528 (NLM Lib. MS. 1365, p. 35).

95 *DSMH* I/1: 333.

96 *DSMH* I/3: 216.

97 *DSMH* II/2: 353; *Acta Jur.*: 3, 375. *DSMH* II/3: 149.

98 *DSMH* I/1: 68, 234, 298.

99 *DSMH* II/3: 433 (8.iii.1485); *DSMH* II/4: 56 (10.vii.1487).

According to sources in Borg,¹⁰⁰ Not. Antonio Falzon, junior, was the son of Not. Antonio Falzon, senior, and of Ventura (née De Vetro). Another Falzon notary, *Notarius Jacobus*, is known from a few references to his acts,¹⁰¹ showing that he was active as notary in 1494 and later.¹⁰² In 1495-96 he was *judex litteratus curie civilis*.¹⁰³ He turns out to be another son of the late Not. Antonio senior as appears from his (untraced) warrant to practice: *Notario Giacomo Falzon quondam Notarii Antonii ottenne il privilegio di notaro*, issued at Cordoba on 25 September 1490, with *executoria* from Palermo dated 7 April 1491.¹⁰⁴ Andreas Falzon U.I.D. was also a brother of Not. Giacomo (fl. 1477-1499)¹⁰⁵ and son of Not. Antonio, senior.¹⁰⁶ Judges Andreas Falzon (fl. 1468-1499)¹⁰⁷ and Laurentius Falzon (fl. 1471-1499)¹⁰⁸ were brothers;¹⁰⁹ both described as *Egregius*. Laurentius is encountered a couple of times being referred to as *notarius*,¹¹⁰ but this, probably, merely meant that he was a legal person, which he was. No references to his acts have ever been encountered to date. His main activity appears to have been that of judge of the Captain's Court, just like his brother Andreas. One can see that *paterfamilias* Antonius Falzon senior produced no less than four sons all of whom belonged to the legal profession not to mention three others who belonged to that other elitist institution,

100 Borg 110.

101 DSMH I/2: 310 (18.vii.1496) and *Acta Jur.*: 476 (4.v.1499).

102 DSMH I/2: 41, 86, 282 etc. and *Acta Jur.*: 945, 950, 963, 965, 974, 976.

103 DSMH I/2: 282, 336, 351, 373, 375, 383, 404.

104 This information, found in NLM Lib. MS. 1365, p. 19, could not be traced in Palermo.

105 *Acta Jur.*: 693-976.

106 NLM Lib. MS. 695, f.392 #[1813]; will of Salvo Falzon, *quondam Notarii Antonii in actis Notarii Julii Cumbo*. Andreas was appointed judge of the Capitanal Court on 22.xi.1470 on the death of his father, Not. Antonio (DSMH II/3: 149).

107 *Acta Jur.*: 307, 977.

108 *Ibid.* 430, 976.

109 *Ibid.* 690.

110 DSMH I/1: 26, 55.

the Church. These were Don Lemus Falzon senior (*ob.* 1501), Don Michael Falzon (*ob.* 1502) and Don Petrus Falzon (*ob.* 1519).¹¹¹

Craftsmen versus the élite

Returning to the Vassaldi, tailor Joannes Vassald, in truth, could never aspire to pertain to any of these élitist circles, as he belonged squarely to the class of artisans and craftsmen, together with a number of other Vassaldi appearing as *Mastri* during these years, including *Mastru Angilu*, *Mastru Antoni*, *Mastru Salvu*, *Mastru carpinteri Joanni figlu di Salvu*, *Mastru Georgi*, *Mastru Lenzu*, and *Mastru Stephanu (Constabuli)*.¹¹² The class of craftsmen was at the time being actively refused penetration into the hegemonic élite that monopolized all positions of control and power on Council. This was being effected in at least two ways. Firstly, craftsmen were being coerced to practise their trade exclusively within Mdina, that is, not in their home-territory of Rabat, where they had a freer hand. In Mdina tighter control certainly facilitated the collection of dues on the artisans' products. In 1461-62, no less than six sittings of Council witnessed heated debates on the matter. In April it was decided that the *ministrali* should

111 Borg 109, 110, 114.

112 For *Mastru Angilu Vassald*: *Acta Jur.*: 498; MCM ACM Misc. 437 no. 7, f.20; and *ibid.* Prebende 6 [Decime Decanali, 1522] f.108; *Mastru Antoni Vassald* (*DSMH* I/2: 103, 386, 396-7, 425; MCM ACM Prebende 6 [Decime Decanali, 1522] f.108); *Mastru Salvu* (*Acta Jur.*: 468; *DSMH* I/1: 178, 322); *Mastru carpinteri Joanni figlu di Mastru Salvu* (MCM ACM Misc. 437 no. 7, f.3; *DSMH* I/1: 24, 156; *ibid.* I/3: 85); *Mastru Georgi* (MCM ACM Prebende 6 [Decime Decanali, 1522] f.103); *Mastru Lenzu* (*DSMH* I/1: 21; I/2: 144, 425); *Mastru Stephanu* (MCM ACM Misc. 437 no. 7, f.17; *DSMH* I/1: 40, 230, 263; I/2: 160, 387; I/3: 206; II/4: 335; III/1: 121; *Acta Jur.*: 974; MCM ACM Prebende 6 [Decime Decanali, 1522] f.103).

work exclusively within the city walls; on this occasion, the craftsmen involved were the *mastri daxa* who were constructing a number of mills. By July, however, several carpenters had still not complied and it was debated whether they should be penalized. The issue was opened again in September and, although a few counsellors had softened on the matter, preferring to see the work over and done with, the hawks at the meeting, led by Jurat Not. Antoni Falzon, carried the day. It was resolved that each of the carpenters, Orlando Bonello, Nicola Hakim, Leu Lukis, Franciscu Zammit, Simuni Skembri, Lanza Lamann, and Franciscu Percop, were to be warned that they would incur the very hefty fine of 20 *uncie* unless they returned immediately to their workshops in Mdina. By November, there were still carpenters who defied the Mdina authorities, having managed to obtain a reversal of the decision from the Viceroy, and the tug-of-war dragged on.¹¹³ Fourteen years later, the very same issue was still being debated.¹¹⁴

In the meantime, in 1466, a second tactic was tried, namely, to use the *capitula*, as a tool to enhance the interests of the oligarchy at the expense of the craftsmen. The *capitula*, formulated and presented by a representative ambassador to the King or Viceroy were petitions (in chapter form, whence the name *capitula*) for the redress of grievances, including the obtaining of sanctions for desired practices, the concession of privileges, and similar. The Council which conceived and formulated the particular set of *capitula* could undoubtedly exercise much influence on what was included and what excluded and was, therefore, in a privileged position to feather its own nest through them. This is precisely what happened in 1466

113 *Acta Jur.*: 128, 131, 152-4, 163, 184 (vii-xii.1461).

114 *Ibid.* 583 (15.x.1474).

when the current preoccupation of the élite was to keep out of the decision-making process the master craftsmen who had conflicting interests. The VIIIth *capitulum* of those presented by Ambassador Joannes de Mazara on 17 January 1466 read as follows:¹¹⁵

[VIII] *Item, plaza ala dicta Illustri Signuria providiri et cumandari perki ancora quista chitati da anni vinti in trenta iza havi patutu per essiri alcuni volti li soy officiali ministrali comu su curbiseri, custureri et simili artisti passandu loru in lu scurtiniu per biviragi li quali per vuliri dari opera al arti loru la justicia et lu regimentu vinianu a mancari suis opportunis loco et tempore la qual cosa cridimo essiri non pocu disserviciu dila Sacra Regia Maiestati et incomodu di quista chitati ki de cetero artista di arti meccanica non poza capiri in officiu alunu tantu regiu comu universali ala chitati predicta cum utique ipsi civitati sit valde onerosum habere officiales artistas predictos et contra forma di costuma antiqua et observancia dila dicta chitati, et di omni bona chitati et di omni raxuni.*

Worded in these terms, the *capitulum* received the Viceroy's *placet*.

The reaction of the craftsmen was to unite, a second time, and present their own case personally to the same Viceroy, Lop Ximen Durrea, who had given the offending *capitulum* his blessing. A ten-strong delegation led by political activist Antoni Callus was mustered and proceeded to Sicily, on its own steam, with one item on the agenda: to report to the Viceroy how the Municipal Council was manipulating the *capitula* system of representation to the advantage of the oligarchy¹¹⁶ (i) by excluding commoners from all positions in Council except for the lowest grades

115 Original parchment in NLM Univ. 3, Doc. 1, published by Roberto Valentini ("Documenti per servire alla storia di Malta: 1458-1466" in *ASM* x (1939) 66-76) and in *DSMH* II/3: 57.

116 This is, in fact, Charles Dalli's thesis in his paper "Capitoli: the voice of an élite" in *Proceedings of History Week* (1992) 1-18.

of *acatapani*, (ii) by excluding the craftsmen altogether, and (iii) by introducing direct taxation.¹¹⁷

Custureri Joannes may not have been among the ring-leaders pushing for penetration into the élite circle, but he would certainly have sympathized with and supported their cause. He, however, had his own solution to ensure that he and his family did not remain bogged down in an inferior social position, if not pursuing his own personal upward social mobility, at least guaranteeing that of his progeny. Having managed to marry into the Falzon family, a leading dynasty of *curiali*, he ensured that his children received the best education possible available at the time, in the full realization that the key to success and upward social mobility was through education. Joannes' strategy was certainly very effective. He may not have lived long enough to pride himself over this children's success in life but he certainly deserves to be congratulated for having produced two notaries and a priest, possibly emulating *paterfamilias* Not. Antonius senior himself. One may add that Joannes Vassald may also have been inspired in his actions by his contemporary Not. Paulo Bonello whose brother Manfridus was, like Joannes, a mastercraftsman.¹¹⁸

Training to become a notary

It has not emerged yet what kind of training Maltese people aspiring to become notaries would have had. Basic writing and reading skills would have been acquired at home from their parents when these could

117 *DSMH* II/3: 65 (20.vi.1466). The members of the delegation were, further to Callus, Antoni Cagege, Lenzu Cassar, Petru Xebiras, Andria Baldaquino, Petru di Nardu, Agustinu Tunne, Gighu Spiteri, Andria Zammit and Gighu Bugeya.

118 NLM Lib. MS. 695, f.413 #[1888] and *Acta Jur.*: 775, 816, 818.

impart such skills.¹¹⁹ In the case of Joannes Vassaldo's children, their uncle Simuni probably helped out in their early education. The altruistic motivation of Don Jacobo Vassald himself, manifested later when he ran an elementary school without receiving a fixed salary from the municipal government – a unique example in XVth-century Malta – may have been inspired precisely by his own family.¹²⁰ The next stage of their education would have been attained in the only known grammar-school at Mdina whose existence is documented from 1461 onwards.¹²¹ Although this training may have given the student a broad, sound grounding in the humanities it did not cater specifically for the legal or any other profession. In all probability this more direct vocational training would have been imparted in an apprenticeship with an established member of the profession. When it was the case of a son following in the professional footsteps of his father, then the solution would have been immediate. In other cases, apprenticeships are only known in the case of notaries from later years. Thus, in the 1540s, sixteen-year old Franciscus Rochion *alias* Torrensi is known to have offered his services as a scribe for three years with Not. Vincentio Bonaventura de Bonetiis in order to learn from him the profession of notary; he later did become a notary.¹²² The same

119 There comes to mind, here, whole dynasties of notaries, such as the ones noted, in which the training was imparted from generation to generation.

120 Elementary schooling in the hands of parents, who were already knowledgeable, or in the hands of someone like Don Jacubu Vassald, who ran an elementary school and was certainly not financed by Council – the salaried master was the foreigner Thomas de Abramo! – who taught kids of the noble families (Darmanino, Falca etc.) for peanuts in an informal atmosphere: Wettinger, "Priests in Court" 104-106.

121 *Mandati*, xxvii, Table IV. Buhagiar & Fiorini 502-3.

122 S. Fiorini, "The Rhodiot community of Birgu, a Maltese city: 1530-1550", *Library of Mediterranean History* 1 (1994) 218.

appears to have been happening in the 1560s in the case of Enrico Zarb and of Ferdinando Ciappara, who eventually became notaries. They appear repeatedly as joint witnesses to contracts drawn up by Not. Juliano Muscat over a period of years suggesting that they frequented regularly Not. Muscat's office.¹²³ After all, this was the normal way of learning a trade at the time and specific examples can be quoted for carpenters and blacksmiths.¹²⁴ A more relevant example is that of a *discipulus* for the parish-priest of Naxxar in 1495.¹²⁵ Graziano and Matteo Vassald may have received their apprenticeship with leading notaries in Mdina of the later 1470s,¹²⁶ like Not. Luca Sillato junior, Jacobo Cannarella, Paulo Bonello, Antonio de Sarlo, Ingomes de Brancato, or even Petro Caxaro.¹²⁷ This is difficult to ascertain as only one register – namely that of Not. Paulo Bonello,¹²⁸ covering mostly Sept.-Nov. 1467 (which is too early) and post 1487 (which is too late) – has survived from all the acts of these notaries. Those who had the means or managed to acquire them because they were worth investing in, or they were influential enough, proceeded abroad to complete their professional studies. The case of Andreas Falzon is illuminating. He is already documented acting as Notary to the Civil Court in 1463.¹²⁹ He replaced his father, Not. Antonius

123 NAV Not. Giuliano Muscat R376/46, *passim*.

124 Instances of trade apprenticeships in the 1400s are: *DSMH I*/1: 13 (1486; carpenter); *DSMH I*/2: 388 (1496; blacksmith).

125 *DSMH I*/2: 161.

126 For a full list of notaries who practised in these islands before 1500: *DSMH I*/3, lvi-lvii (Table).

127 It is erroneously thought that Petro Caxaro did not practise as a Notary Public. One contract drawn up by him has, in fact, survived and appears in S. Fiorini, "Barbicans and Posterns: New XVth-century documentation on the Mdina landfront" in *Sacra Militia* 12 (2013) 3-14.

128 NAV MS. 588.

129 *DSMH II*/3: 34.

Falzon on his death, as Judge in the Capitanal Court,¹³⁰ so that it is clear that he was very well placed to receive a legal education in his own home. In spite of this, it is later noted that he had received his formal legal training in Catania.¹³¹ A couple of instances are recorded where the *Universitas* considered scraping together funds for this purpose. Thus, in 1479 Frati Antoni Sabat of the Augustinians was considered for such an award and in November 1467 Antonio de Sarlo, the son of Nicolao, was actually granted six *uncie* to proceed to Sicily to train for two years as a notary.¹³² Antonio came back from Sicily with a warrant to exercise his profession in Malta issued on 24 May 1470.¹³³ One concludes that a formal course of training for a notary lasted from two to three years.

The acquiring of formal University degrees of Bachelor's, Master's or Doctor's is hardly ever recorded in pre-1530 Malta. In medicine soon after 1530, there is the clear case of Dr Josep (alias Matthew) Callus who is described as *Artium et Medicine Doctor*, who may have had his training in Syracuse.¹³⁴ Before 1530,¹³⁵ the best recorded example is that of Frater Matheus Zurki of the Augustinians who is described as *Baccalarius* in 1434, when he was Vice Inquisitor,¹³⁶ up to 1450 when he was chosen to be Ambassador for Malta,¹³⁷ even if, in the Gozo *Capitula* of that same year, which he was

130 *Ibid.* 149.

131 *Capitulum* XI (MCM ACM Misc. 34, f.110 [20.ix.1494]): *Misser Andria Fauczuni est curiali antiquitus chi havi studiato in Catania*. The University of Catania was established in 1444.

132 *Acta Jur.*: 738 (2.viii.1479), 273 (15.xi.1467).

133 ASP RC 125, ff.176v-7.

134 S. Fiorini, "X'nafu dwar Callus?" in *Min kien Callus?* (Malta: KKM, 2003) 15-53.

135 After 1530, occurrences become more frequent: Gregorio Xerri (NLM Lib. MS. 695, f.150 [1548]); Matteo Falzon (*ibid.* f.261v [1554]); Andreas Falzon (*ibid.* f.392 [1595]) etc.

136 *DSMH* II/2: 359.

137 *Acta Jur.*: 10.

also earmarked to present to the Viceroy,¹³⁸ he is shown to be *Magister in Sacra Theologia* (and *Prior Provincialis Provincie Sicilie*). This same title of *Master in Theology* is also given him in 1454, both when he was asked by the Viceroy to give his advice on the fate of the *Castrum Civitatis*¹³⁹ and on another occasion in the Town Council.¹⁴⁰ Later, vague mentions of a *Patri Bacileri* in the Town Council in 1468-69 may be references to him.¹⁴¹ It is entirely possible that, before joining the Augustinians, Zurki may have been a notary, judging by a sporadic reference to a *Notario Mattheo Zurco*, acting as witness to the opening of a will in 1418.¹⁴² As far as law degrees are concerned, towards the end of this period one encounters references to two *Utriusque Juris Doctores*, Antonio Bonello¹⁴³ and Petro Cassar.¹⁴⁴ From the fact that only Bonello and Cassar are so described, one can infer that the other *curiali*, not so described,¹⁴⁵ only graduated in Civil Law. Not. Andreas Falzon who studied in Catania, as noted, would have graduated only in Civil Law.

What did training for a notary consist of? Unfortunately, for Malta the information is totally lacking, but, judging from the fact that some, if not all, notaries trained in Sicily, such as De Sarlo and Falzon, one can assume that their training was very similar to that of Sicilian notaries who

138 ASP Prot. 5, ff.301-302v.

139 DSMH II/2: 550.

140 *Acta Jur.*: 47.

141 *Ibid.* 306-7.

142 Early XVIIth-century copy in NAV Not. Andrea Allegritto R16/28, ff.822v-7v (14.vi.1418) esp. f.827.

143 NLM Univ. 12, ff. 308 [1522], 352 [1524] *et passim*. NAV Not. Giacomo Bondin MS 585/1, ff. 59, 63, 66 [1524]. DSMH III/1: 122 [1526].

144 NLM Univ. 12, f. 480v [1528].

145 None of the Maltese judges and other *curiali* in this period are ever described as having academic grades by contrast with the several references to Sicilian *jurisperiti* visiting the island as Commissioners or even of judges in Sicily; for instance, in our records one encounters Joannes de Alixandrino *Legum Doctor Clarissime Civitatis Catanie* (DSMH II/3: 436).

are better documented.¹⁴⁶ Judging by inventories of books in possession of deceased notaries – *manuali di notariato, la Practica meridiana* (Aurora di Orlandino e Aurora novissima di Pietro di Unzola) *la Summa di Orlandino, l'Ars dictandi di Tommaso di Capua, manuali di grammatica, storia, libri morali, ... codici di diritto civile* (Instituta), *Consuetudini di Palermo*,¹⁴⁷ *manuali di latino e libri di testo* (Virgilio, Ovidio) – Bresc concludes that the notary had *una formazione larga, capace di preparare a un arco esteso di responsabilità*.¹⁴⁸ In view of this fairly wide preparation, one is not surprised to find that a number of notaries, even in Malta, undertook the task of running a grammar school. Such were Not. Cannarella (1471-72) and Not. Giacomo Bondin (1519-25, 1528-31).¹⁴⁹

As to what books were found in the ownership of Maltese notaries, one obvious source to tap is the will and/or inventory of deceased notaries and of their spouse. Thus, whereas Not. Matteo Vassald's long inventory (cited above) mentions none, that of Not. Lorenzo Agius mentions an unspecified set of books (bequeathed to Gio. Thomas Xerri) with two exceptions – the Office of the Blessed Virgin Mary and the Missal – which he left to Cleric

146 Bresc 198 *et seq.*

147 The incunabulum *Consuetudines Felicis Urbis Panhormi* was already published in 1496, *a cura di Giovanni Naso da Corleone* (ristampa anastatica, Edizioni Librarie Siciliane 1990), constituting the *Liber Rubeus* of privileges of Palermo (as for other major Sicilian cities, like Messina and Catania). Malta's corresponding *Liber Rubeus* does not appear before the last decades of the XVIth century. It is embodied in the codex Univ. 9 of the National Library, entitled *Privilegi dell'Isola di Malta*, and (emulating, doubtlessly, the Sicilian *Libri Rubei*) described as *manoscritto antico legato in pelle rossa con tre stemmi dorati nel quale sono registrati i privilegi concessi alla nazione Maltese da S. Pontefici e Sovrani tra il 1350 ed il 1585*. Attempts at having the unwritten *consuetudines* put down in writing, however, are already detectable in the *capitula* of 1409 (cap. XII).

148 Bresc, 200.

149 *Mandati*, xxvii-xviii, Table IV.

Leonardo Caruana.¹⁵⁰ It is also known that, in his will of 1548, Physician Joseph alias Matteo Callus bequeathed all of his books to [Not.] Placido Abela.¹⁵¹ This same Not. Abela later clashed with the Inquisition for reading prohibited books, a crime indulged in by other notaries of his age, including Giacomo Baldacchino, Bartholomeo Haxixa, Joseph de Guevara and Don Brandan Caxaro.¹⁵² Joan Abela has noted that among the books possessed by Not. Brandan Caxaro there was *Li capituli di lo regno*.¹⁵³ This is, possibly, the incunabulum *Capitula et Constitutiones Regni Sicilie* published by Joannes Petrus Apulus in 1497 at Messina.

From these and other sporadic references one can deduce that in the training of a notary due attention was given to the candidate's command of Latin and of literature in general. Yet, even in Sicily, in cases of scarcity of notaries in a particular locality, a blind eye was often turned to deficiencies in these areas. This is apparent from the warrant issued to Antonius de Randazzo of Sutera on 17 February 1438 wherein it is stated [*quod constat*] *de relacione prothonotarii qui vos examinavit vos ydoneum ad officium de notariatu puplico non obstante quod non sitis expertus in Latino sermone et literarum sufficienti noticia*.¹⁵⁴ For this reason he is instructed to act only in the absence of other better qualified notaries. The situation in Malta could not have been very different although the occasional exceptionally literate is also encountered. Such was the case of Not. Giacomo Bondin, the schoolmaster, who is known to have travelled abroad

150 NAV Not G. Bondin, MS. 585/1, f.94.

151 Fiorini, "X'nafu dwar Callus?" 37.

152 C. Cassar, "An index of the Inquisition: 1546-1575" in *Hyphen* vi/4 (1990) 166-7, 175-6.

153 Private communication.

154 ASP RC 73, ff.78v-9.

and collaborated with Neapolitan colleagues in the publication of a new edition of the medieval chronicle *Cronaca de Partenope*.¹⁵⁵

Maltese versus foreigners

Doubtlessly, the earliest recorded notaries practising in the Maltese Islands were foreigners, mostly Sicilians, who worked here, some of whom married and settled and became naturalized Maltese. This is clearly the case from the majority of names of the XIIIth and XIVth centuries, chronologically: De Danielis, De Capillerio, De Palermo, Pontremoli, De Alemanno, De Ragusia, Gatt, Rapa, Mangiavacca, Sillato, De Trapani, De Benintende, De Murello, De Andrea, De la Turri, De Insula, De Bordino, De Theophilo, De Parisio, De Pironti.¹⁵⁶ Of these, doubtlessly, a number settled here and within a few generations came to be identified with the Maltese/Gozitan population. Foremost among these are the De Alaymo, De Bordino, Cumbo and Falzon in Malta, and Pontremoli in Gozo (after 1300), the Gatt in Malta (after 1350), the Sillato in Malta (after 1375), and the Azzopardi (after 1380). Some of these continued to produce future generations of notaries. During the first half of the XVth century the number of Maltese notaries increased and equalled the number of Sicilians. Former surnames include Azzopardi, Zurki, Beniamin, De Alaymo, Sillato, and Bonello.

Conflicting interests began to emerge as evidenced by a number of situations of friction arising between

155 C. Dalli, "Reading the past in the sixteenth century: a Maltese humanist revisits the history of Naples" in *Le lingue del popolo. Contatto linguistico nella letteratura popolare del Mediterraneo occidentale*, ed. J. Armangué i Herrero (Cagliari: Arxiu de Tradicions, 2003) 69-78.

156 *DSMH* I/3, Table, p. lvi.

Sicilian notaries active in Malta and their Maltese counterparts. Salaried legal posts, of which there were five or six – a *Judex literatus*, two *Judices Ideoti* and a *Notarius Curie Civilis* in the Civil Court, and a *Judex et Assessor Curie Capitanalis* and his *Notarius Curie* – in each of the two *Universitates*, were certainly highly desirable positions for which there was considerable competition, at least in Malta, from the seven or eight qualified local notaries working contemporaneously. Foreigners seeking work here must have been viewed as intrusions. These foreigners arrived in a variety of guises. At times it was the monarch who foisted on the *Universitas* some protégé of his by granting him an *ex gracia* appointment. Such was the case of Pinus de Carastro who was given the post of Notary to the Capitanal Court in 1436; his appointment was successfully objected to by Not. Corrado de Alaymo on the grounds that this appointment ran counter to the privilege of the Maltese that no foreigner is eligible to hold public offices on the island unless he is married to a Maltese and has been resident on the island for at least five years.¹⁵⁷ De Alaymo appears to have been at the forefront of this protectionist policy. It is seen from a draft set of *capitula* of c. 1434, that he was chosen ambassador to present the case of the Maltese *Universitas* before King Alfonso,¹⁵⁸ foremost among which complaints was the theme that Judgeships and similar appointments had to be filled by Maltese:

[V] *Item, suplicari la dicta Sacra Regia Magestati ki ni concheya ki lu Judicatu di lu Capitanu dijanu essiri Maltisi et habitaturi di la isula et uxorati per haviri affectioni ala isula.*

157 DSMH II/2: 372, 385.

158 MCM ACM Misc. 34, ff.177rv.

This seems to have been motivated by a number of offending cases like that of Pinu Caxini,¹⁵⁹ as politely expressed in the IVth *capitulum*:

[IV] Item, di suplicari la dicta Sagra Regia Majestati ki, actentu li nostri capituli et privilegii ki kista Universitati havi ki nixunu officiali pocza esseri sinon Maltisi chitatini di Malta, ..., ki sia sua merci providiri ki lu notaru di li acti di la Curti di lu Capitanu lu quali, per inadvertencia, havi concessu a Pinu Caxini,^b lu quali di ipsa rajuni non lu pocti essiri [perki] la Universitati may acceptau ki sia concessu ...

and those of Jaymu Pignanu and of Not. Matheu Delia,¹⁶⁰ who, in spite of his ‘Maltese’-sounding surname, was actually Sicilian:

[VI] Item, di suplicari ala Sagra Regia Magestati ki, per haunari inconvenienti, conchedirini ki Mastru Jaymu Pignanu et Notari Matheu Dilia, li quali foru causa di fari viniri lu Commissariu cum loru malvasi et iniqui informacioni, non havendu affectioni a kista isula ne loru chitatini ne affectandu lu regiu serviciu, ki lu sia fari commandari ki non dijanu plui habitari in kista isula, actentu precipue ki su frusteri et lu dictu Notar Matheu non chi habi mugleri nec beni alcuni, li quali, per li dicti causi su odiati et inimicati da omni[u]n[a] persuna et, si inchi stassiru, si para(?) viniri ad inconvenienti, maxime cum li persuni daltru indebitamenti infami.

159 For Pinu Caxini (cap. VI), who died sometime before October 1436 as incumbent of the office of notary to the Capitanal Court, in which office he was replaced by Pinu Carastro (noted), *vide* DSMH II/2: 372.

160 Pignano only figures in one other document of 1431 (DSMH II/2: 321) where he is being appointed Judge of the Civil Court for 1431-32. Not. Delia fl. 1432-1441 (DSMH I/3, p. xxviii, footnote 132). The precise request by Ambassador Alaymo, in cap. VI, for the expulsion of the foreigners Pignano and Delia – who were the source of a lot of trouble in Council (*Acta Jur.*: 1-2) – may well have been accepted by the King, accounting for their disappearance from Maltese documentation soon afterwards.

This involvement by De Alaymo in the cause of Maltese versus foreigners is very much in keeping with the leadership he took in mustering three other Maltese notaries to monopolize jointly the Judgeship of the Capitanal Court.¹⁶¹

Other foreign notaries, yet, came to Malta because they were exiled here. Giuffrida, tapping surviving documentation of the Sicilian courts, reaches the conclusion that, in 1485 alone, out of a total of 153 cases of *pene non detentive*, no less than 40 were deportations to Malta and that, of the 22 cases relating to *nobili*, eight were exiled to the Maltese islands.¹⁶² The number of notaries accused and sentenced between 1482 and 1485 was 12, or 1.5 per cent of the total number of cases.¹⁶³ Bresc notes the unusual case of a whole family of notaries, the Yssisa of Scicli, who were all deported to Malta together with several others in 1450.¹⁶⁴ Although no record of their presence on the island has to date been detected, others are well known to have arrived and settled for some time; such were Not. Ansaldo Riganato of Taormina, formerly captain of that city in 1483,¹⁶⁵ who was exiled in Malta in 1487,¹⁶⁶ and Not. Giacomo Cannarella of Palazzolo who was sent to Malta in 1469.¹⁶⁷ Although Riganato does not seem to have made any attempt at working here, the case of Not. Cannarella, alias Lambertu, seems to

161 DSMH I/3, xxix-xxxi.

162 A. Giuffrida, *La giustizia nel medioevo siciliano* (Palermo: Manfredi, 1975) 70, Tables VI, IX.

163 *Ibid.* 31 and Table IV.

164 Bresc 219.

165 ASP RC 149, ff.393v-4 (18.viii.1483).

166 Riganato had been accused of murder (DSMH II/4: 38) and sentenced to exile for life in Malta (DSMH I/1: 140, 194), but had his sentence commuted, within the year, to the payment of a composition of 40 *uncie* (DSMH II/4: 77). Back in Sicily, he was soon to clash again with the law, condemned to imprisonment in the *Castrum Montis S. Juliani*, only to have the sentence quashed a second time by the Viceroy (*ibid.* 143).

167 DSMH I/3, xlii-xliv.

have had a different development. Accused of falsifying procedural papers, he was exiled to these islands where he appears to have integrated well in the Mdina society. He was even given the onus of presiding over a couple of court cases, for which no other judge could be found who was not 'suspect' (that is, who did not have any personal interest in the case). He was also given a warrant to exercise his profession as Notary Public in Malta.¹⁶⁸ *Acta Juratorum* makes no mention of these proceedings but supplements information about his involvement in Council and how he was also appointed master of grammar school. The position he took in Council concerning a certain commissioner's visit to the island brought out many of the hard feelings against him which must have lain dormant all the years he had been here.¹⁶⁹ His protests against the Jurats' stand that he must pay out of his own pocket for the harm done were to no avail as in May 1475 a black donkey of his was distrained in order to make good for what he had failed to pay. The protest was still being discussed in Council in November of that year. The upshot was that, after seven years of exile, he returned to his homeland.¹⁷⁰

Not. Nicola de Sarlo, who was given a grant by the *Universitas* to receive his training in Sicily (already noted), very probably had family and/or professional contacts in Sicily.¹⁷¹ Further to the fact that in 1484 one encounters an *Antonio Sarno terre Sacce*,¹⁷² it is certainly the case that he was acquainted with the Sicilian Not. Andrea Ravello, the

168 DSMH II/3: 120-1 (1469) for court cases. *Ibid.* 6 (1460) and 245 (1475) for warrants to exercise his profession as Notary Public, in Palazzolo and in Malta, respectively.

169 Opposition to Cannarella was not unanimous. Not. Paulo Bonello in Council backed him to the hilt (*Acta Jur.*: 595-598).

170 For details, DSMH I/3, xlii-xliv.

171 DSMH I/2: 31-32.

172 ASP Prot. 130, f.xxi (7.ix.1488).

grave of whose wife in the Mdina Cathedral he inherited.¹⁷³ De Sarlo was a rather unusual fellow. His attendance in the Municipal Council was rather fitful. He appeared once in March 1471 and then disappeared for full three years to be heard of again in February 1474 creating problems for the *Universitas* when he, apparently, had made arrangements for a commissioner to visit the island in violation of Maltese privileges.¹⁷⁴ What may have been behind this long absence was a quarrel with Not. Peri Caxaro with whom, in Sarlo's words, there was a *capitali inimicicia* which led, one night in January 1473, to swords being drawn during a routine patrol of the city – *una nocti comu alariu seu mastru di xurta factu livari la spata lu notariu comu erariu fiscali* – leading to criminal court proceedings by Caxaro against Sarlo on three counts: (i) *de aportacione predicta*, (ii) *de officio non commisso*, et (iii) *de certis spretis penis*. In fact, the Sicilian commissioner objected to by the *Universitas* was, in all probability, the same Not. Johanni Bulgarella who was sent by the Viceroy in response to De Sarlo's appeal following these developments.¹⁷⁵ Things may not have gone the way Caxaro wanted them as, in July of that year, he is encountered making fresh accusations against De Sarlo, this time alleging the practice of witchcraft – *quod dictus Antonius interfecerat sibi asinum et acceperat medullam et linguam capitis dicti asini ad effectum faciendi magariam*. As a result of these accusations De Sarlo was imprisoned but, following other pleas to the Viceroy and the payment of a composition, he was allowed to go free.¹⁷⁶ Relations with the *Universitas* were apparently patched up soon afterwards and his obvious good relations with the Viceroy were exploited when De Sarlo was chosen

173 T. F. C. Blagg, A. Bonanno and A. T. Luttrell, *Excavations at Hal Millieri, Malta* (Malta: Gutenberg, 1990) 136.

174 *Acta Jur.*: 407, 550.

175 ASP RC 130, ff.199v-200v (15.i.1474).

176 *Ibid.* f.153v (18.vii.1474).

as emissary to relay the *Universitas'* views on problems related to the *supramarammerius*.¹⁷⁷ He may have stayed on in Sicily on this occasion as he does not appear in Council for full five years until October 1479 when he begins to attend regularly again. During 1479-80, in fact, he was also occupying the post of *Judex [litteratus] Curie Civilis*, the only time he is known to have performed this work.¹⁷⁸ But even here, there were complaints against him, when he apparently stepped on some Jews' toes by allegedly preventing two of them, Abia Sabahh and Seyson Nixefi, from recovering goods they had deposited with him as judge of the Civil Court.¹⁷⁹ He is known to have worked as notary in the 1480s.¹⁸⁰ He died sometime before November 1494 leaving his two sisters, Garita and Catharina, his heirs to worry over the problem of settling the debts he had incurred by not compensating Lucia of Randazzo and Antona of Sciacca for their services rendered, apparently, during the time he had spent in Sicily.¹⁸¹

This xenophobic tendency among notaries, albeit well understandable in an increasing climate of self-awareness as Maltese, is reflected also in the ecclesiastical sphere, completely disjoint from the notarial,¹⁸² where the local clergy became increasingly aware that they were being deprived of benefits resulting from the several benefices that the local faithful were generously bequeathing them. This was eminently the case of the permanently absent bishop whose example was imitated by several Cathedral

177 *Acta Jur.*: 573.

178 This contrasts sharply with other notaries who were much in demand for the post; thus, for example, Not. Antonio Falzon occupied that position no less than five times between 1456 and 1470 alone and he was also jurat in 1461-62.

179 *Acta Jur.*: 786-787.

180 *DSMH I*/1: 103, 198.

181 *DSMH I*/2: 31-32.

182 As noted, notaries could not be members of the clergy.

dignitaries. It was towards the end of the XVth century that action began to be taken which came to fruition by the early 1500s.¹⁸³

The Vassaldo notaries

Wherever Graziano and Mattheo received their training they, like all their colleagues, had to proceed to Sicily to be examined as to their suitability by the *Protonotarius* before being given their warrant to practise. In their case it was *Protonotarius* Mariano Aglata who examined them and issued their warrants on 18 August 1483 and 17 July 1484, respectively, as already noted. Soon afterwards they began to practise their profession. Although seven registers¹⁸⁴ of the acts of Graziano have survived,¹⁸⁵ covering the years 1488-1535, evidence of his notarial practice can be gleaned also from earlier years.¹⁸⁶ In 1487-88 he filled the post of Notary to the Civil Court,¹⁸⁷ and in 1492-93 he was Judge of the same Court, a position he held again much later towards the end of his life in 1540-41.¹⁸⁸ As a legal advisor he appears as procurator for the Cleric Petrus de Brancato in 1494,¹⁸⁹ and in 1496 he received money in his capacity of Notary to the Civil Court.¹⁹⁰ He makes a solitary

183 *Mandati*, xxxviii-xxxix.

184 NAV R464/1-7.

185 To these one also needs to add MCM CEM AO 6, ff.280-316 (starting 28.iv.1518, ind. VII) which is a quire, copied *manu propria* by Graziano Vassald himself, of contracts from his own acts dated 28 October to 14 December 1518, indiction VII. Thus, these 36 sheets are seen to have come from a lost register from the intervening years between R464/1 (which ends in 1513) and R464/2 (which starts in 1520).

186 For 1486, *DSMH* II/4: 41; for 1487, *DSMH* I/1: 116, 138, 141; and for 1488, *DSMH* II/4: 136, 170.

187 *DSMH* I/1: 271; II/4: 62.

188 *DSMH* II/4: 246. NLM Univ. 13, f.205v.

189 *DSMH* I/2: 39.

190 *Ibid.* 377.

appearance in the Town Council in 1498.¹⁹¹ He would certainly have made his father Joannes, the tailor, very proud especially as he managed to pass on his legal profession to one of his sons – *Bartholomeo detto Berto* – who also became a notary.¹⁹² Yet, Graziano had other interests besides being a notary and acting in his legal capacity. The wealth he acquired through his profession he reinvested in agricultural activity. In 1494, he acquired the lease of the *Marnisi* and *Delimara* estates from Peruna De Mazara for 36 *uncie* annually¹⁹³ and in the following year he is encountered leasing a flock of 64 goats to a shepherd,¹⁹⁴ whereas, in 1496, he is seen selling two bulls¹⁹⁵ and a lady's *clamys* for 4 gold *uncie* of Sicily.¹⁹⁶ His interest in property in the South of Malta may not be unrelated to the fact that his other son Joannes, in 1541, is encountered residing in Tarxien, as already noted.¹⁹⁷ Graziano himself owned a field at

191 *Acta Jur.*: 943.

192 NLM Lib. MS. 1365, p. 7: Bartholomeo, who received his warrant from Grand Master L'Isle Adam, was dead by 1540. In 1512 he was judge of the Capitular Court (*DSMH* I/3: 148). The records of the Notarial Archives, Valletta [e.g. *Gazzetta tal-Gvern ta' Malta*, n. 884 (27.xii.1991) 6154], show two notaries named Graziano Vassallo, namely, Graziano senior whose acts cover the years 1488-1535 (NAV R464/1-7), and Graziano junior represented by a single register – R495, *olim* MS. 1096A – from the years 1541-42. As this latter register appears to be lost or mislaid, it could not be consulted to verify these assertions. As no other trace of Graziano junior has, to date, been detected, it is entirely possible that the two Graziani are one and the same person, especially as Graziano senior is known to have died c. 1542.

193 *Acta Jur.*: 25, 70.

194 *Ibid.* 180.

195 *Ibid.* 251.

196 *Ibid.* 361.

197 Further to his two sons, Not. Bartholomeo and Joannes already noted, Not. Graziano also had another son, Matteo, and two daughters, Antonella and Beatrix, as appears from the division of property following the death of their mother Ciancia: NAV Not. Giacomo Bondin MS. 585/1 (16.vii.1530) ff.133rv. A note in NLM AD 58, p. 675, referring to the marriage contract (in the [lost] acts of Not. Matteo Surdo, dated 7.i.1538) of Beatrix, gives the bride's mother's name as Vincenza (rather than Ciancia) Sagona.

Xaġħret il-Għadiri near *Raħal Bisqallin*.¹⁹⁸ In 1542 Graziano was still active.¹⁹⁹

As far as Graziano's brother Mattheo is concerned, although his acts have not survived except for a few dispersed fragments, he is known to have practised as a notary, judging by the several references to contracts drawn up by him that can be cited.²⁰⁰ In his professional capacity he is also known to have acted as notary to the Inquisitor's Court in 1486 during the heresy trials of the Jews.²⁰¹ He was appointed *Judex literatus Curie Civilis* for 1488-89 and for 1493-94.²⁰² Like his brother, he also appears in Council on only a couple of occasions in 1499.²⁰³ He married twice, firstly to Agnesia Sillato in 1487,²⁰⁴ when he was aged 24, and secondly, c. 1495 after Agnesia's death, to Francia Laureri by whom he had a daughter – Catherinella – and five sons, who were all minors by the time he died in 1511, aged 48. Like Graziano, he too had notaries among his descendants.²⁰⁵

His business dealings are certainly more prominent than his notarial activity as can be gleaned from various contemporary notarial deeds and, especially, from the inventory of his belongings drawn up by his testamentary executors and guardians of his minor sons, his own brother Not. Graziano and Nicola Laureri, probably, his brother-in-law. The notarial deeds of Not. Zabbara show that he owned property in Mdina and other lands at *Dejr il-Baqar* and *Hal Qdieri*,²⁰⁶ that he purchased and then sold a share

198 DSMH I/1: 186.

199 NAV Not. B. Caxaro R175/10 (10.xi.1542) ff.110v-1: *Debitum pro Not. Graziano Vassallo*.

200 Cf. DSMH I/1 (1487): 107; I/2 (1495-96): 103, 131, 218, 225.

201 Wettinger, *The Jews of Malta in the Late Middle Ages*, Doc. 104 (22.vi.1486).

202 DSMH II/4: 130, 291.

203 *Acta Jur.*: 974, 976.

204 DSMH I/1: 296, 302-4.

205 NLM Lib. MS. 1365, p. 38.

206 DSMH I/2: 144, 287, 347.

in a merchant vessel,²⁰⁷ that he imported and sold Sicilian wheat, made and sold mariners' biscuit, and traded in cloth, cotton and in bitter and sweet cumin,²⁰⁸ that he ran a wine-tavern in Rabat,²⁰⁹ and that, in 1493-94, he bid successfully for the *cabella florini per bucti* of the *Universitas*.²¹⁰

His testamentary inventory of 1511 in the acts of Not. Giulio Cumbo²¹¹ shows that he was a very wealthy man. In his Mdina home, further to the usual furnishings and furniture, there were found gold doubloons and gold ducats of Tripoli, and silver *aquilas* to a value exceeding 30 *uncie*,²¹² several precious objects like silver rosary-beads, a gold seal with the arms of the Vassaldi family, gold ingots, gold rings and other personal items of decoration in gold, silver, pearls and coral.²¹³ It is of interest to note the foreign origin of so many items: Moorish bracelets, brooches and silk, linen from Alexandria, a quadrant from Candia, a chest from Trapani, cloth from Bruges, further to the money from Tripoli. This is hardly surprising when one notes that his marine mercantile interests included, not only the brigantine, mentioned, but also the financing and arming of corsairing *fuste*; he certainly held a share, together with the Birgu mariner Cayli Abela, in a corsairing vessel as appears from the acts of Not. Pietro de Alaymo.²¹⁴ There is also mention of various items of armament, including a

207 *Ibid.* 121, 306.

208 *Ibid.* 106, 129, 181, 257, 309, 325, 338, 344, 345; I/3: 182, 196.

209 *DSMH* I/3: 183, 186. This interest and investment in a wine tavern by the Maltese notary appears also to have been shared by Sicilian notaries of the time: Bresc 206-7.

210 *DSMH* I/2: 160.

211 NAV R163A, ff.83-88v.

212 *Ibid.* f.83.

213 *Ibid.* ff.83v-84v.

214 *Ibid.* f.87v. Not. Vassaldo's interest in corsairing is shared by his contemporary Not. Paulo Bonello whose activities have been fully described elsewhere: *DSMH* I/3, xxxiv-xl.

crossbow with its bolts and a cuirass,²¹⁵ and a round buckler, a shield, and two swords without their scabbards.²¹⁶ It is not likely that he was personally involved in corsairing. A more plausible explanation for possession of these arms is that he needed them for his involvement in the defence of the island; it has been noted how he and Graziano were responsible, in 1492, for the keeping *insolidum* of a horse for the island's cavalry, in the same way that in 1485 they were both down for work on the Mdina walls in the Angara List of that year.²¹⁷ They would doubtlessly have had to do night-watch duties like all other able-bodied men on the island even though no militia lists and rosters (like those of the early XVth century) survive from the last years of the century.²¹⁸

Also impressive is the list of landed property in Not. Mattheo's inventory. Further to the property already noted in notarial contracts, there is mention of another house contiguous with his own residence in *Mdina* and yet another one 'joined to the houses of Salvu Saliba',²¹⁹ a vineyard and a field at *Wied ir-Rum*, horticultural land at *Mtahleb*, land at *Wied ir-Rihax*, a strip of land at *L-Imriehel*, land at *Hal Safi*, a field at *Hal Saflieni*, a house at *Hal Qormi*, part of a house in *Rabat* and other land purchased by his orphans' guardians. There follows a list of debtors of the Notary both from purchases made from him, mostly of

215 NAV R163A, f.85.

216 *Ibid.* f.86.

217 MCM ACM Misc. 437 no. 7 f.10v [*Secunda septimana, die Martis, La Chitati*]: Not. Matheu Vassald, and f.26 [*Quarta septimana, Sabati, La Chitati*]: Not. Gracianu Vasald.

218 Existence of these registers is evidenced in surviving documentation: *Acta Jur.*: 612, 699, 719, 859 (1475-1481).

219 This property may be the same as that referred to as 'adjoining property of Jews' (Wettinger, *The Jews of Malta in the Late Middle Ages* 254). Purchases of land by Not. Mattheo are recorded in 1503 and 1506: *Clausura ta Mustura* and *ta Ginen Rus* at *il-Pwales* (NLM Lib. MS. 368, f.256).

agricultural produce, showing how much he had invested in animal husbandry – 11 *uncie* and another 15 *uncie* for sheep, 3 *uncie* for a bull, 18 *tareni* for a heifer, and the price of an ox sold to his half-brother Don Amatauri Zammit – as well as for investments in current partnerships, including 3 hundredweights of Alexandrian linen, 3 hundredweights of wool, a mule and two foals in partnership with Giglo Axac, a mule in partnership with someone from Gozo, a cow, a bull and their calves in the hands of Nicoloso Mamo, a cow in the hands of Angarao Farrugia, a cow in partnership with Francesco Dingli, to mention but some.

How does one account for all the wealth acquired by our notaries? Doubtlessly, wealth generates wealth, but, to begin with, notaries like the Vassald brothers only had their profession as their initial platform from which to get started and to build upon. One can extrapolate from the only surviving near-contemporary register that exhibits a continuous output for some three months, namely that of Not. Paulo Bonello²²⁰ who, between 1 September and 12 November 1467 drew up no less than 136 contracts in those 73 days. This implies an output of some 680 contracts a year which, at a minimum charge of 10 *grana* per contract,²²¹ would import a salary of some 11 *uncie* annually, placing the notary in the highest income bracket, second only to that of a doctor.²²² By comparison, Graziano Vassald worked twice as hard, producing some 1250 contracts a year, judging by his continuous output between 1 January and 19 February 1522;²²³ in those 50 days he drew up no less than 168 contracts, on a couple of days (8 and 22 January) writing 22 contracts per day, also working a couple of Sundays (20 and 27 January).

220 NAV MS. 588.

221 Cf. *DSMH* I/3: 220 (*Capitula tabellionum*, 23.xi.1440), para. 40.1.

222 Fiorini, "Malta in 1530" 171, Table X.

223 NAV R464/2, ff.148-198.

The wider scenario

Maltese medieval society exhibited a pyramidal structure in which political authority and concomitant wealth were concentrated at the very top, far above the wide pyramidal base of agricultural workers, the village *biduini*. Between these two extremes, the position of the notaries was quite ambivalent: belonging to the intelligentsia, specializing in literacy, law and local custom, they did not exactly belong to the élite class, characterized by wealth that came with possession of land, occupying as they did the lower echelons of the peak, originally at par with knights. On the other hand, their work brought them in touch with the harsh realities of the men who tilled the land, a position that made them sensitive to the commoners' aspirations. Their familiarity with the language, local customs and expertise in legal matters meant that common people looked up to them for leadership and as a source of help they could tap.²²⁴ On the other hand, their intellectual capabilities opened them to the realization of their relative deprivation, so that it was only natural to find notaries with a combative spirit at the heart of rebellions in the XIVth century, typified by that of Not. Lanza Gatt who openly opposed the king in 1376,²²⁵ through the exertions of Not. Corrado de Alaymo in the 1430s to protect his own interests and those of his colleagues, down to the efforts of the Vassaldi to invest vigorously in education, the key to success and upward social mobility.

The notaries' expertise in legal matters also often required them to fulfil important functions of judgeships in both

224 The esteem with which, for instance, Not. Pietro Caxaro was held is best expressed in the words of his nephew, Don Brandan Caxaro: ... *mei maioris Petri de Caxaro, philosophi, poete et oratoris, cui aliquando dictum fuit 'confla precor calamum Caxaro clara propago: te cupiant ninphe, te tua musa curavit'* (Wettinger & Fsadni 47).

225 DSMH II/1: 164.

criminal and civil courts, where the notary was, practically always, the *Judex literatus*. Their consequent presence in Council, which afforded them access to decision-making, was not only appreciated for their intelligent contributions to the current debates, but also, at times, tapped by those in authority when the notary was chosen to represent the *Universitas*, as its Ambassador, before the King or the Viceroy. Thus one encounters Not. Corrado de Alaymo in this capacity in c. 1434,²²⁶ Not. Angelo de Manuele in 1439,²²⁷ and Not. Antonio Falzon, senior, in 1458.²²⁸

The fortunes of the notaries varied. To begin with, the regions where they were authorized to practise in were prescribed at the outset with the issue of their warrant by the *Protonotario* or his delegate. Some were restricted to work only in Gozo; such were Not. Pietro de Trapano in 1373²²⁹ and Not. Bernardo de Theophilo in 1407.²³⁰ Most were required to practise in both Malta and Gozo, but a few were also entitled to work both in the Maltese Islands as well as in the Val di Noto of Sicily. Among these one finds Not. Albano Sillato in 1398,²³¹ Not. Corrado de Alaymo in 1416²³² and Not. Antonio Falzon, senior, in 1433 whose region was described as *a flumine Salso ultra, necnon per Insulas Meliveti et Gaudisii*.²³³ These assignments in Sicily are understandable in view of Maltese interests in the Val di Noto,²³⁴ such as the estates of *Gilippi*, *Cupedi* and *Favara*, near

226 MCM ACM Misc. 34, ff.177rv.

227 *Ibid.* ff.247-8v.

228 NLM Univ. 10.

229 DSMH II/1: 69, 71.

230 DSMH II/2: 100.

231 *Ibid.* 197.

232 *Ibid.* 212.

233 *Ibid.* 353.

234 One notes, for instance, the presence of a consul for the Gozitans in Licata (DSMH II/4: 408) and a Maltese consul there from 1470 to 1528 (*Acta Jur.*: 383-4; MCM ACM Misc. 28, f.238; NLM Univ. 12, ff.93v, 126, 459).

Lentini, pertaining to the Bishop's *mensa*,²³⁵ other fiefs and property of the Maltese aristocracy,²³⁶ and the *carricatori*, like those of Sclacca, Licata, Pozzallo and others, where the Maltese traded in wheat and other goods.

For some notaries their profession, and its ramifications of judgeships, scribal work in the courts and involvement in work at the Municipal Council, meant full-time employment. Such was Not. Petro Caxaro's (*fl.* 1438-1485). In spite of his very active municipal life, however, he still showed some interest in agricultural activity as shown by his leasing of royal land at *Il-Fiddien*²³⁷ contiguous to similar land leased to Not. Antonio Falzon, senior.²³⁸ It has been seen that the Vassaldi notaries, Graziano and Mattheo, too, invested much in agricultural activity as an important alternative source of income.

It appears to have been quite common for notaries to have similar alternative sources of income. Not. Laurencius Farrugia (*fl.* 1487-1500) is encountered a number of times selling quicklime.²³⁹ He was also involved in real estate,²⁴⁰ in the slave trade and in the purchase of wine.²⁴¹ Not. Bartholomeo Sillato (*fl.* 1485-1531) had interests in the trade of farm animals²⁴² and of cotton.²⁴³ He also entered a number of partnerships with farmers wherein he, as sleeping

235 The *feudi terre Leontine* related to the Bishop of Malta's *mensa* in Sicily are clearly mentioned in 1376 (*DSMH* IV/2: 128). Known Bishops residing in Favara (nr. Lentini) include Bishop Nicholas (1304-1329), mentioned in 1321 (*ibid.* 49n), Bishop Ilarius (1356-1370) mentioned in 1370 (*ibid.* 96), and Bishop Corradus (1371-1375) mentioned in 1375 (*ibid.* 124). Cf. also R. Pirro, *Sicilia Sacra* (Palermo: Petrus Coppula, 1733) 905.

236 For example, Peri Johannes de Mazara owned a vineyard in the county of Modica in 1487 (*DSMH* I/1: 275).

237 *DSMH* II/3: 60, 113-4, 437.

238 *DSMH* II/2: 590; II/3: 113-4.

239 *DSMH* I/2: 28-9, 34, 40.

240 *Ibid.* 162; I/3: 188, 191; *Acta Jur.*: 973.

241 *DSMH* I/2: 172, 377, 395.

242 *DSMH* I/1: 24, 53.

243 *Ibid.* 83.

partner, produced cattle, whereas the farmer managed them and they shared profits equally.²⁴⁴ He was also involved in the slave trade.²⁴⁵ Not. Ingomes de Brancato's sidelines were very similar to those of Sillato, as is apparent from his interest in farming,²⁴⁶ and the purchase and sale of and partnerships in farm animals.²⁴⁷

But perhaps, the diversity of the non-professional activities of Not. Paulo Bonello is the most remarkable. His professional output seems to have been restricted to the very beginning and the very end of this career, with only a smattering of contracts being drawn up by him in the intervening years.²⁴⁸ It is entirely possible that his other registers have been lost, but it is also possible that he produced a negligible amount in the forty years between 1467 and 1507 because he spent his time in more lucrative business. Without going into the details of what this activity consisted in,²⁴⁹ one can summarize it under various headings including (i) his attendance in the Municipal Council between 1468 and 1499²⁵⁰ and to the end of his life;²⁵¹

244 *Ibid.* 199; I/3: 200.

245 *Ibid.* I/1: 130, 161.

246 S. Fiorini, *Santo Spirito Hospital at Rabat, Malta. The early years to 1575* (Malta: Interprint, 1989) 116-9.

247 *DSMH* I/1: 61; I/2: 18, 21.

248 His register, MS. 588, covers the early three months of September to November 1467 (ff.1-44v; [*DSMH* I/3: 1-140]), a few wills and codicils from the late years 1508-1517 (ff.51-79v; [*ibid.* 144-150]) – he made his last will in 1502 and died in 1518 (NLM Lib. MS. 695, f.118 #550) – and just three wills from the intervening years (ff.45-50v; [*ibid.* 141-143]). From the *repertorium* of the codex one can deduce that ff.80-87, at the very end, have gone missing and that they included some six other late contracts. To these one can add, from the early period, a will of 17.ii.1465 (he received his warrant on 19.iii.1464) and another of 1467 (NLM Lib. MS. 670, f.107), three other wills from the late period (*ibid.* ff.5v, 148, 228) and two from the intervening years (*ibid.* ff.258, 334v). A few other contracts *manu Notarii Pauli Bonello* are known: *DSMH* I/1: 35 (1480); I/2: 30 (1494).

249 Cf. Introduction of *DSMH* I/3, xxxiv-xl.

250 *Acta Jur.*: 281-965, *passim*.

251 NLM Univ. 12, ff.5, 12, 13, 15v [1512] ... ff.106v, 110v, 115, 117v [1515] etc.

(ii) his judgeships between 1471 and 1515;²⁵² (iii) *Universitas* gabelles farmer; (iv) business in cloth; (v) procuratorships for various important individuals and institutions; and (vi) involvement in the slave-trade including partnerships for the procurement of slaves from North Africa.

The ownership of slaves is quite a good index of the relative affluence of notaries. Among slave owners one notes Not. Pietro Caxaro,²⁵³ Not. Paulo Bonello,²⁵⁴ Not. Bartholomeo Sillato,²⁵⁵ Not. Lorenzo Falzon,²⁵⁶ Not. Lorenzo Baglo,²⁵⁷ and Not. Joan. Antonio de Sansone,²⁵⁸ to mention some. Another method of catching a glimpse of the notaries' wealth is by looking at what they left behind them after passing away – as has been seen from Not. Matheo Vassald's testamentary inventory – and what they gave as dowry to their progeny when these married. Thus, in the marriage contract of Petrus de Brancato, son of Not. Ingomes, with Agatha Xara in 1500,²⁵⁹ the groom's father contributed two ground-floor south-facing houses in Rabat as well as 30 *uncie* in cash. By contrast, Margarita, the daughter of Not. Paulo Bonello received from her parents as dowry in 1487²⁶⁰ an enclosed field called *Il-Wilġa ta' Xmun* at *Raħal Tarxien* and another arable field called *Habel Fieres* in the same locality, as well as 50 *uncie*'s worth in household goods and jewelry further to another 10 *uncie* in cash. She was also given a household slave called Lucia.

252 Cf. also Univ. 12, ff.106v, 117v [1515].

253 DSMH I/1: 59, 60, 260, 324; I/2: 364.

254 DSMH I/1: 139; I/2: 37, 215, 377.

255 DSMH I/1: 130, 161.

256 DSMH I/2: 10.

257 MCM ACM Misc. 439, 9, f.5 (1517).

258 NAV Not. L. De Apapis R203, f.76v (1550).

259 DSMH I/3: 188.

260 DSMH I/1: 333.

It has been noted, finally, how in spite of all the notaries' accumulated wealth which set them way above the common people, like all other inhabitants they had to make their personal contribution towards the defence of these islands. It has been seen that the two Vassald brothers, Matheo and Graziano, were, together, bound to keep a horse for the island's cavalry in 1492 and how they also had to devote an unpaid day's work per month working on the Mdina walls and ditches. Also seen on the angara roster of 1485 were Not. Ingomes de Brancato and Paulo Bonello. They would also have had to contribute a night's watch for the island's *mahr*s, which would have meant watching on Mdina's walls or being on stand-by duty in Mdina's *plaza*, given that notaries lived in Mdina; only the *biduini* did watch-duty on the coast. This is illustrated by the presence of Not. Nicola del Isula and Corrao de Alaymo on the 1419-20 Militia List.